

ENTERED

October 25, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA §
 §
 §
v. § 2:21-MJ-01292-1
 §
BRITTANY WILHITE §

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing was held today in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The Court finds that detention of Defendant Brittany Wilhite pending trial in this case is appropriate. There are no conditions or combination of conditions that would reasonably assure the appearance of the Defendant as required and the safety of the community.

I adopt the findings and conclusions contained in the Pretrial Services Report. The evidence against Defendant in this criminal case is strong. First, Defendant poses a risk of nonappearance as indicated by the pending motion to revoke probation and the outstanding warrant issued against Defendant for violating her felony probation. Most concerning is that Defendant absconded and never reported to the probation office. In addition, Defendant lacks stable living conditions as evidenced by her unemployment status since 2016 and current homelessness.

I further find that Defendant poses a danger to the community. Defendant has been charged with transporting undocumented aliens, a serious offense. In fact, Defendant's criminal record contains similar felony charges in 2019 for bringing in or

harboring certain aliens and for transporting unlawfully present aliens. Furthermore, Defendant shows a pattern of substance abuse, which includes a recent usage of cannabinoids. Defendant's criminal history contains two felony charges of possession of controlled substances, one as recent as 2019, and other misdemeanor drug possession charges. Taken together, Defendant shows an inability to conform her behavior to the law generally and while on supervision.

After considering the factors set forth in 18 U.S.C. § 3142, I find that there is no condition or set of conditions that would adequately assure Defendant's presence at trial, or that would adequately assure the safety of any other person or the community.

Defendant is committed to the custody of the United States Marshal or designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 25th day of October, 2021.



MITCHEL NEUROCK
United States Magistrate Judge